



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,498	09/01/2006	Isao Yako	107156-00345	2499
4372 7590 09/28/2010 ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER ADAMS, CARL	
			ART UNIT	PAPER NUMBER
			2627	
			NOTIFICATION DATE	DELIVERY MODE
			09/28/2010	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com  
IPMatters@arentfox.com  
Patent\_Mail@arentfox.com

# Office Action Summary

## Application No.

10/591,498

## Applicant(s)

YAKO, ISAO

## Examiner

CARL ADAMS

## Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 16 - 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16 - 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **Response to Arguments**

1. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16 - 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Ando et al. (US Pub. No. 2002/0064375 A1).

In regards to claims 16, 20 and 24, Ando shows an information playback apparatus, method and program for playing back contents stored in a storage medium (See Fig. 11 and paragraph [0137]), said contents including one or more data sets having a plurality of files containing presentation data and having playback control data edited by a user that indicates playback sequence of said plurality of files (See Fig. 25 and paragraph [0377]), said information playback apparatus comprising: signal processing means for performing a playback of said presentation data in accordance with playback sequence of said playback control data edited by the user (See paragraphs [0284] – [0286]); abnormality detecting means for detecting whether said playback control data edited by the user contains incorrect data obtained by an incorrect editing not based on a standard that is a file system for managing digital contents in said storage medium; and control means for, when said signal processing means is playing back said

presentation data and once said abnormality detecting means detects said incorrect data contained an abnormality in said playback control data edited by the user, detecting a data set to which the playback control data containing said incorrect data belongs, and causing the signal processing means to perform a playback from the presentation data stored in an initial file of said plurality of files belonging to the detected data set, without following the playback sequence of said playback control data edited by the user that contains said incorrect data (See paragraphs [0313] – [0319]).

In regards to claims 17, 21 and 25, Ando shows an information playback apparatus, method and program for playing back contents stored in a storage medium (See Fig. 11 and paragraph [0137]), said contents including one or more data sets having a plurality of files and first playback control data edited by a user that indicates playback sequence of said plurality of files, and including one or more data units in which said one or more files each have presentation data and second playback control data edited by the user that indicates logic address of contents of said presentation data (See Fig. 25 and paragraphs [0377] – [0379]), said information playback apparatus comprising: signal processing means for performing a playback of said presentation data in accordance with playback sequence of the first playback control and logic address of the second playback control data edited by the user (See paragraphs [0284] – [0286]); abnormality detecting means for detecting whether said first and second playback control data edited by the user contains incorrect data obtained by an incorrect editing not based on a standard that is a file system for managing digital contents in said storage medium; and control means for, when said signal processing means is playing back said presentation data and once said abnormality detecting means detects said incorrect data contained in said first playback

control data edited by the user, detecting a data set to which the first playback control data containing said abnormality incorrect data belongs, and causing the signal processing means to perform a playback from the presentation data stored in an initial file of said plurality of files belonging to the detected data set, without following the playback sequence of said playback control data edited by the user that contains said incorrect data (See paragraphs [0313] – [0319]), and for, when said signal processing means is playing back said presentation data and once said abnormality detecting means detects said incorrect data contained in said second playback control data edited by the user, detecting a data unit to which the second playback control data containing said incorrect data belongs, and causing the signal processing means to continue the playback from the presentation data specified by a logical address at the time incorrect data is detected, without following the logic address of said playback control data edited by the user that contains said incorrect data (See paragraphs [0322] – [0325]).

In regards to claims 18, 22 and 26, Ando shows that said contents are recorded in a storage medium subjected to information playback in said computer (See paragraphs [0313] – [0319]).

In regards to claims 19, 23 and 27, Ando shows that said contents are supplied through transmission media (See Fig. 11 and paragraph [0137]).

### CONCLUSION

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARL ADAMS whose telephone number is (571)270-7448. The examiner can normally be reached on Monday through Friday, 8:00 AM to 5:00 PM, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl Adams/  
Examiner, Art Unit 2627

/Wayne Young/  
Supervisory Patent Examiner, Art Unit 2627